

ORDINANCE NUMBER 15-26

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE GRAND PARK INDOOR SPORTS AND RECREATION FACILITY PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Council enacted Ordinance No. 14-35, the Grand Park Indoor Sports and Recreation Facility PUD District (the "Grand Park PUD Ordinance"), on September 22, 2014;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1509-PUD-17**), requesting an amendment to the Unified Development Ordinance, the Zoning Map and the Grand Park PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1509-PUD-17** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on September 9, 2015;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance, Zoning Map and Grand Park Indoor Sports and Recreation Facility Planned Unit Development District Ordinance (the "Grand Park PUD Ordinance") are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to incorporate the Real Estate into the Grand Park Indoor Sports and Recreation Facility Planned Unit Development District (the “District”). This area of the District shall be known as the “Haven at Grand Park”.
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Grand Park PUD Ordinance; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Grand Park PUD Ordinance.
- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Underlying Zoning District: The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

Section 3. Concept Plan. The Concept Plans, collectively attached hereto as **Exhibit B**, are hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Concept Plans depict two (2) alternative plans for the general development of the Real Estate.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the General Business (GB) District as set forth by the Grand Park PUD Ordinance.

Section 5. Permitted Uses. The permitted uses shall be as set forth below.

- 5.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13, and the Grand Park PUD Ordinance, shall be permitted.

Section 6. **General Regulations.** The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified by the Grand Park PUD Ordinance.

Section 7. **Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District, except as otherwise modified below or by the Grand Park PUD Ordinance.

7.1 **Architectural Standards:** Article 6.3 Architectural Standards of the UDO shall apply. In addition, the Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.

7.2 **Landscaping Standards:** Article 6.8 Landscaping Standards of the UDO shall apply with the following modifications:

A. **Article 6.8(N) Buffer Yard Requirements** shall not apply.

B. **Article 6.8(O) Parking Area Landscaping** shall apply with the following modifications: (i) A minimum of one (1) interior Parking Area island shall be required per twenty (20) Parking Spaces. The island shall be a minimum of one hundred and twenty (120) square feet in size and shall include a minimum of one (1) tree and four (4) shrubs; (ii) if Perimeter Parking Area Landscaping is required, then the minimum number of plantings shall be one (1) tree and ten (10) shrubs per sixty (60) linear feet of Parking Area length. Plantings may be clustered in an aesthetically pleasing manner.

Section 8. **Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 9. **Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified by the Grand Park PUD Ordinance.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 14th DAY OF SEPTEMBER, 2015.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 15-26** was delivered to the Mayor of Westfield
on the _____ day of _____, 2015, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-26**
this _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-26**
this _____ day of _____, 2015.

J. Andrew Cook, Mayor

This document prepared by: Jesse M. Pohlman, 2728 E. 171st Street, Westfield, IN 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jesse M. Pohlman

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plans
Exhibit C	Character Exhibit

EXHIBIT A
REAL ESTATE

Lot 2, Grand Park Subdivision - Secondary Plat as recorded per Instrument Number 2014-57320, in the Office of the Recorder of Hamilton County, Indiana also described as follows:

A part of the Southeast Quarter of Section 26, Township 19 North, Range 3 East, Hamilton County, Indiana, described as follows: Commencing at the Northeast Corner of said Quarter Section; thence South 89 degrees 54 minutes 07 seconds West [Basis of bearings: Indiana State Plane Coordinate System, East Zone (NAD 1983)] 1447.73 feet along the north line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds East 75.00 feet to the point of beginning of this description: thence South 00 degrees 00 minutes 00 seconds East 416.06 feet; thence North 90 degrees 00 minutes 00 seconds West 115.00 feet; thence South 00 degrees 00 minutes 00 seconds East 4.04 feet; thence North 90 degrees 00 minutes 00 seconds West 694.45 feet to a western line of that 146.070 acre tract depicted and described on the ALTA/ACSM Land Title Survey prepared by DLZ Indiana, LLC and recorded as Instrument Number 2012018330 in in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 05 minutes 53 seconds West 418.71 feet along said western line to a point 75.00 feet south, by perpendicular measurement, of the north line of the Southeast Quarter of said section; thence North 89 degrees 54 minutes 07 seconds East 75.00 feet, parallel to said north line, to a western line of that 8.441 acre tract depicted and described on said ALTA/ACSM Land Title Survey; thence South 00 degrees 05 minutes 53 seconds East 212.50 feet along the west line of said 8.441 acre tract to a southwest corner thereof; thence North 89 degrees 46 minutes 10 seconds East 517.94 feet to the western line of that 5.027 acre tract depicted and described on the Survey prepared by DLZ Indiana, LLC and recorded as Instrument Number 2012020314 in in said Office of the Recorder; thence North 00 degrees 05 minutes 20 seconds East 211.30 feet along the western line of said 5.027 acre tract to a point 75.00 feet south, by perpendicular measurement, of the north line of the Southeast Quarter of said section; thence North 89 degrees 54 minutes 07 seconds East 216.54 feet parallel to said north line to the point of beginning and containing 5.265 acres, more or less.

EXHIBIT B
CONCEPT PLANS

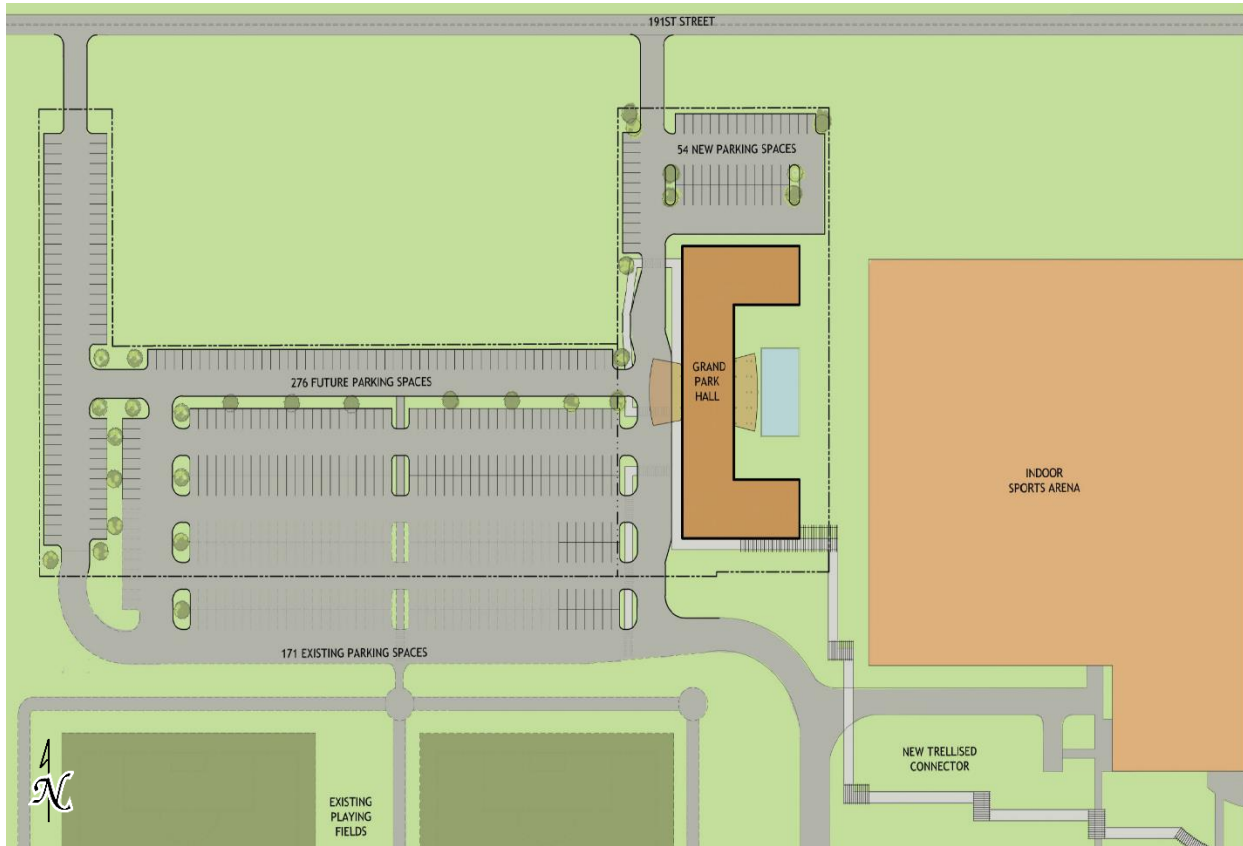


EXHIBIT C
CHARACTER EXHIBIT

